

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MICHAEL B. JOHNSON, )  
on behalf of himself and on behalf )  
of those similarly situated. )

Plaintiffs, )

vs. )

PUSHPIN HOLDINGS, LLC, JAY )  
COHEN, LEONARD MEZEI, ARI R. )  
MADOFF, ALISHA ROSS, LOUISA )  
TATBAK, SHAUN REDWOOD, GCN )  
HOLDING, LLC, and CIT )  
FINANCIAL USA, INC., )

Defendants. )

Case No. 2013-cv-7468

Honorable Judge Charles P. Kocoras

Magistrate Judge Young B. Kim

**MOTION FOR LEAVE TO TAKE A SHORT DEPOSITION, BY TELEPHONE,  
ON THE REMAINING REMAND ISSUES**

COME NOW Plaintiffs, Michael B. Johnson, individually, and on behalf of those similarly situated, and move the Court for leave to take a short deposition, by telephone, on the remaining remand issues, for the following reasons:

1. Defendants filed their Notice of Removal (ECF No. 1) on October 17, 2013, attaching the Affidavit of Joseph Sussman. A copy of the Affidavit is attached hereto as Exhibit A.

2. The removal notice stated that Pushpin Holdings had filed 1,300 cases claiming the aggregate amount of \$3,300,000.00, exclusive of interest and costs. See ¶¶ 5 and 6 of Exhibit A attached hereto.

3. On April 11, 2014 Plaintiffs filed a Motion for Limited Discovery on the Remaining Remand Issues (ECF No. 30) attaching three Interrogatories. Copies of the three Interrogatories are attached hereto as Exhibit B.

4. On April 24, 2014 (ECF No. 33) the Court granted Plaintiff's Motion to take Limited Discovery with respect to Interrogatory No. 1, but denied the Motion as to Interrogatories Nos. 2 and 3. The purpose of Interrogatories 2 and 3 was to verify the accuracy of the Answer to Interrogatory No. 1.

5. On about May 23, 2014 Defendants served their Objections and Answer to Interrogatory No. 1. A copy is attached as Exhibit C.

6. The Answer to Interrogatory No. 1 is subject to ten separate objections. See p. 2 of Exhibit C.

7. The Answer to Interrogatory No. 1 states that Pushpin has recovered \$3,338,785.00 from March 10, 2010 to October 17, 2013—but does not state that the recovery was from the Lease Guarantors. See p. 3 of Exhibit C.

8. The Answer to Interrogatory No. 1, if correct, establishes that Pushpin Holdings, LLC has recovered slightly more than 100 percent of the total amount claimed in the 1,300 small claims lawsuits that had been filed at the time of removal. Compare p. 3 of Exhibit C with ¶¶ 5 and 6 of Exhibit B.

9. The 1,300 small claims lawsuits attempt to collect extremely old debts from Defendants who have failed to pay the same claims during the preceding ten years.

10. It does not appear that the Interrogatory Answer is accurate.

11. Plaintiffs move the Court for leave to take a short deposition, by telephone, of the designated corporate representative of Pushpin Holdings, LLC to explore the accuracy of the Answer to Interrogatory No. 1.

12. A proposed Order is attached.

**MEMORANDUM OF LAW**

The Court has discretion to permit limited jurisdictional discovery before ruling on the Motion to Remand. See Abrego Abrego vs. The Down Chemical Co., 443 F.3d 676, 691 (9<sup>th</sup> Cir. 2006); Central States, Southeast and Southwest Areas Pension Fund vs. Reimer Express World Corporation, 230 F.3d 934, 946-47 (7<sup>th</sup> Cir. 2000).

WHEREFORE, Plaintiffs move the Court for leave to take a short deposition of the designated corporate representative of Pushpin Holdings, LLC, by telephone, to test the accuracy of its Answer to Interrogatory No. 1.

Respectfully submitted,

/s/ David M. Duree

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*Attorney for Plaintiff, Michael B. Johnson  
And all Class Members*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on June 3, 2014, he electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorneys of record, addressed as follows:

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